

**Senate Environment, Conservation & Tourism**

**AMENDMENT NO.** \_\_\_\_\_

\_\_\_\_\_  
**Signature of Sponsor**

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1441** \_\_\_\_\_

**House Bill No. 901** \_\_\_\_\_

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-212-224(a), is amended by deleting the word "by" and by substituting instead a comma.

SECTION 2. Tennessee Code Annotated, Section 68-212-224(d), is renumbered as subdivision (d)(1) and the second sentence of (d)(1) is deleted in its entirety.

Tennessee Code Annotated, Section 68-212-224(d), is further amended by adding a new subdivision thereto, as follows:

(2) Once a consent order has been entered, the commissioner has the discretion and is authorized to expend moneys from the remedial action fund to pay that portion of the investigation, cleanup, monitoring, maintenance and oversight of an inactive hazardous substance site to the extent such expenditures are not allocated under the consent order to the potentially liable party conducting the investigation and cleanup of the inactive hazardous substance site pursuant to this program. The commissioner is authorized to seek recovery of such expenditures from the remedial action fund from other liable parties in the full amount of their respective allocated share of liability by any legal remedy through the exercise of his powers and duties as established by this part; provided, however, that if the consent order establishes an allocation of liability for the potentially liable party participating in the voluntary program, the

Senate Environment, Conservation & Tourism

AMENDMENT NO. \_\_\_\_\_

\_\_\_\_\_  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

AMEND Senate Bill No. 1441

House Bill No. 901

commissioner may not assess the participant for a share of liability greater than the allocation established in the consent order.

SECTION 3. Tennessee Code Annotated, Section 68-212-224 is amended by adding a new subsection (g), as follows:

(g) Upon completion of all terms and conditions agreed to in a consent order under this program, the commissioner shall issue a letter to the potentially party participating in the program indicating that such party's obligations under the consent order have been completed and, if appropriate, that no further action will be required of the participating party.

SECTION 4. Tennessee Code Annotated, Section 68-212-224 is amended by adding a new subsection (h), as follows:

(h) The commissioner has the discretion and is authorized to establish an allocation of liability consistent with Section 68-212-207(b) in a consent order with a potentially liable party participating in the voluntary program; provided, however, that such allocation shall only be binding among the state, the potentially liable party participating in the voluntary program and to the extent that the participant's obligations under the consent order are fully assumed, the participant's successors-in-title to the hazardous substance site to the extent that such successors'-in-title liability under this part arises by virtue of ownership of the site. Such allocation shall be considered a final determination of the

**Senate Environment, Conservation & Tourism**

**AMENDMENT NO.** \_\_\_\_\_

\_\_\_\_\_  
**Signature of Sponsor**

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1441** \_\_\_\_\_

**House Bill No. 901** \_\_\_\_\_

participant's liability and shall not (I) constitute an admission of liability, or (ii) have an effect on and be considered in determining the allocable shares of liability of other liable parties for the site. Any allocation included in a consent order under this program shall not be admissible in any suit, hearing or other proceeding that involves a person not a party to such consent order.

SECTION 5. Tennessee Code Annotated, Section 68-212-205(a), is amended by adding the words "and as set forth in Section 68-212-224" to the end of the subsection immediately after the word "part" and immediately proceeding the period ending the subsection.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.